

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT P. "SKIP" CUMMINS,

Plaintiff,

-Against-

SUNTRUST CAPITAL MARKETS, INC.,  
AMIT HAZAN, and JONATHAN BLOCK,

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Defendants.

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Case No. 07 CV 4633 (JGK)

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JURY DEMAND

**DEFENDANTS' NOTICE OF SUBPOENA OF NON-PARTY DOCUMENTS  
TO CYBERONICS, INC.**

Please take notice that Defendants SunTrust Capital Markets, Inc. (now SunTrust Robinson Humphrey, Inc.), Amit Hazan, and Jonathan Block intend to subpoena from non-party Cyberonics, Inc. documents related to this action, to be produced no later than 30 days after service of the forthcoming subpoena, at 10370 Richmond Avenue, Suite 1400, Houston, Texas 77042. Copies of Defendants' subpoena have been forwarded to counsel of record for Plaintiff Robert P. "Skip" Cummins via certified mail, return receipt requested.

Respectfully submitted,

/s/ Robert R. Long

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day a copy of **DEFENDANTS' NOTICE OF SUBPOENA OF NON-PARTY DOCUMENTS TO CYBERONICS, INC.** has been served upon the following counsel of record via certified mail, return receipt requested, and addressed as follows:

Julius Glickman  
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Alan Heblack  
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This 31st day of October, 2007

/s/ Robert R. Long

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